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UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

JUL 2 2015

David J. Bradley, Clerk of Court

United States of America)
v.)
Reymundo GONZALEZ Jr. , /1962) Case No.
&)
Marco LEYVA 1982))
)

H15-937 M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July, 1 2015 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC Section 841 & 846

Offense Description

Knowingly and intentionally attempted to possess with the intent to distribute
5 kilograms or more of cocaine, a schedule II Controlled Substance, in
violation of Title 21 USC § 841 & 846.

This criminal complaint is based on these facts:

See attached in support of a Criminal Complaint.

☒ Continued on the attached sheet.

M. Gonzalez
Complainant's signature

Michael Gonzalez, Special Agent
Printed name and title


Sworn to before me and signed in my presence.

Date: 07/02/2015

City and state: Houston, Texas

M. Milloy
Judge's signature

Mary Milloy, Magistrate Judge
Printed name and title



Your affiant, Michael Gonzalez, being duly sworn and deposed, states as follows:

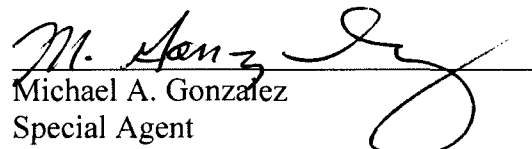
1. Your affiant is a Special Agent (S/A) for the Department of Homeland Security, United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). Your affiant is currently assigned to HSI Houston Narcotics Enforcement Group and is currently investigating a drug trafficker known as "Rufus," who facilitates the transportation of narcotics in the United States, namely cocaine.
2. In April 2015, a source of information (SOI) provided a phone number of 956-332-9735 and address of 414 N. 6th Street and zip code 78537 to Special Agent Michael Gonzalez. The SOI had arranged for the HSI Undercover Agent (UCA) to negotiate with an individual known as "RUFUS," later identified to be Reymundo GONZALEZ.
3. Since April 2015, an HSI Undercover Agent has been talking to GONZALEZ via telephone number 956-332-9735 and negotiated the purchase of multi-kilogram quantities of cocaine for \$31,500.00 a kilogram.
4. On Monday, June 29, 2015, HSI UCA contacted Special Agent Gonzalez and advised that "Rufus," a.k.a. Reymundo GONZALEZ contacted him. Reymundo GONZALEZ advised that he was in Amarillo, TX and will be driving to Beaumont, TX to unload his tractor trailer and that he had five (5) kilograms of cocaine with him to sell to the HSI UCA.
5. On Wednesday, July 1, 2015, HSI UCA arranged to purchase five (5) kilograms of cocaine from "Rufus," a.k.a. Reymundo GONZALEZ. Reymundo GONZALEZ advised that he would be at the Conoco gas station located on exit 798 on interstate I-10.
6. At approximately 12:25pm, HSI UCA called 956-332-9735 to tell "Rufus," a.k.a. Reymundo GONZALEZ that he would be at the Whataburger located at I-10 and Market Street waiting. "Rufus," a.k.a. Reymundo GONZALEZ advised that he would be in a "KW," which the HSI UCA knew it to be a Kenworth tractor.
7. Soon thereafter, surveillance personnel Special Agent Leo Gonzalez and Harris County TFO J. Maddox located a red Kenworth tractor pulling a trailer bearing Texas license plate 0648216. A return of the trailer indicated the trailer was registered to a Jessie Gonzales, with associated address of 414 N. 6th St., Donna, TX 78537. At that time the tractor trailer was followed all the way to the Whataburger located at I-10 and Market Street in Houston, TX.
8. At approximately 12:45 p.m., the red tractor trailer entered the Whataburger parking lot. The individual later identified as "Rufus," a.k.a. Reymundo GONZALEZ, exited the driver side of the tractor trailer and went inside the Whataburger to speak with the HSI UCA. At this time, the passenger, later

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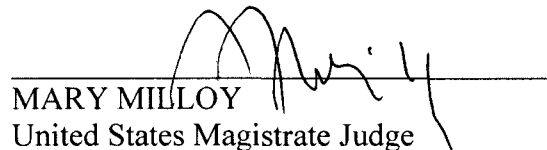
- identified as Marco LEYVA, could be seen moving from the passenger side of the vehicle into the driver side of the red Kenworth trailer. LEYVA was observed moving the Kenworth tractor trailer in an effort to park it properly while "Rufus," a.k.a Reymundo GONZALEZ was inside speaking with the HSI UCA.
9. A short time later, "Rufus," a.k.a Reymundo GONZALEZ exited the Whataburger with the HSI UCA. "Rufus," a.k.a Reymundo GONZALEZ went to the passenger side of the red Kenworth tractor and opened the door. "Rufus," a.k.a Reymundo GONZALEZ yelled over to the HSI UCA to come to the red Kenworth tractor. The HSI UCA ran over to the red Kenworth tractor. Upon getting to the passenger side door of the tractor, the HSI UCA observed Marco LEYVA placing a black bag on the floor board of the passenger side of the cabin. The HSI UCA asked if that was it, which he was referring to the cocaine and Marco LEYVA grabbed a portion of the bag to open it up, in order for the HSI UCA to get a better look of the product inside the bag. The HSI UCA asked "It's five?" and Marco LEYVA nodded his head up and down, to which the HSI UCA interpreted that as an acknowledgement that five (5) kilograms of cocaine were in the bag. At that time the HSI UCA returned to his vehicle and gave the bust signal. HSI Special Agents and Harris County Sheriff's deputies took GONZALEZ and LEYVA into custody.
 10. After removing GONZALEZ and LEYVA from the red Kenworth tractor, Special Agent Gonzalez and Special Agent Terrazas removed a black bag with five individual bundles wrapped as one big bundle in cellophane. Special Agent Gonzalez and Group Supervisor Prado plunged a knife into the side of one the bundles to reveal a white powdery substance. That white powdery substance field tested positive for the properties of cocaine.
 11. "Rufus," a.k.a Reymundo GONZALEZ, was read his Miranda rights but did not want to talk and did not request a lawyer. He then went on to make a statement that LEYVA had nothing to do with this situation. GONZALEZ stated "Where is the guy that set me up?" Special Agent Gonzalez responded "Which guy?" and GONZALEZ stated "The one in the dually truck!" It is to be noted that the HSI UCA was driving a Ford Dually truck. Special Agent Gonzalez advised Reymundo GONZALEZ that the other person was a Federal Agent that was undercover. Reymundo GONZALEZ ranted that can't be an undercover because he set him up.
 12. Marco LEYVA was read his Miranda rights and he signed and waived his rights at approximately 1:45 p.m.
 13. Special Agents L. Gonzalez and G. Renick took the five (5) bundles over to the HSI vault to turn into evidence. Upon turning it into the vault, they weighed the 5 bundles as a whole on a field scale for a total weight of six (6) kilograms.

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14. LEYVA and GONZALEZ were transported to the DEA Houston Field office for processing. When GONZALEZ was being processed Special Agent M. Gonzalez asked him if he wanted to finally talk, since he had not officially asked for a lawyer. At that time, Reymundo GONZALEZ said "I want a lawyer" while he was being booked into the system. Special Agent Gonzalez acknowledged and advised him if he changed his mind to let one of the agents know. Reymundo GONZALEZ then started ranting that he wanted to see the other guy that set him up and maybe he will consider talking. Special Agent Gonzalez then informed, again, that the "Other guy" was a federal agent that was undercover and, again, Reymundo GONZALEZ did not believe he was an agent. Special Agent Gonzalez advised him that he did already asked for a lawyer and will respect that decision but will bring down the Undercover Federal Agent per his request. Upon Reymundo GONZALEZ seeing the Federal Agent, which was acting in the undercover capacity earlier, he said to him in Spanish, "It's your fault!" The HSI UCA revealed his badge to him and Reymundo GONZALEZ grasped his head in his palms and just shook his head. Special Agent Gonzalez and the HSI UCA terminated contact with him.
15. At approximately 7:46 p.m., Special Agent Terrazas and Special Agent Gilbert afforded Reymundo GONZALEZ the opportunity to call family and advise them of his arrest. Right after the call, Reymundo GONZALEZ made an unsolicited statement that he did the transportation of the cocaine for \$2,500.00. He then went on to explain that he crossed the United States Border Patrol checkpoint in Falfurrias, TX approximately two days with the cocaine in the tractor.
16. Based on my experience and the aforementioned facts and observations, the affiant believes there is probable cause to believe that GONZALEZ and LEYVA did conspire to knowingly possess with the intent to distribute over 5 kilos of cocaine, a controlled substance, in violation of Title 21 United States Code Sections 841 and 846.


Michael A. Gonzalez
Special Agent
Homeland Security Investigations

Sworn and subscribed before me this 2nd day of July, 2015, and I find probable cause.


MARY MILLOY
United States Magistrate Judge